



Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3000

PATENT  
ATTORNEY DOCKET NO.: 040894-5994

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Hideaki FUNAKOSHI et al.	)	Confirmation No.: 3093
	)	
Application No.: 10/761,386	)	Group Art Unit: 2627
	)	
Filed: January 22, 2004	)	Examiner: Vanessa V. Coleman
	)	
For: OPTICAL PICKUP	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
Sir:

**NOTICE OF APPEAL TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 31, 2007, the period for response to which extends through September 30, 2007, finally rejecting claims 1-4 and 7.

09/28/2007 AWONDAF1 00000147 500310 10761386  
01 FC:1401 500.00 DA  
02 FC:1251 120.00 DA

## 1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Please charge Deposit Account No. 50-0310 in the amount of \$120.00 for the extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

## 2. Notice of Appeal Fee - 37 C.F.R. 1.17(b)

☒ The Commissioner is authorized to charge the appeal fee of \$500.00 to Deposit Account No. 50-0310.

## 3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$620.00 representing the Notice of Appeal fee (\$500) and extension of time fee (\$120).

4. Constructive Petition




**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 27, 2007

By:   
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